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10/529,961	11/03/2005	Andrew Gordon Williams	5624920038OO	7456

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EXAMINER	
BATISTA, MARCOS	
ART UNIT	PAPER NUMBER
2617	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/529,961	WILLIAMS, ANDREW GORDON	
	Examiner	Art Unit	
	MARCOS BATISTA	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 October 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-74* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-74* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on 10/09/2008. Claims 1-74 are still pending in the present application. This Action is made **FINAL.**

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 40 is rejected under 35 U.S.C. 112, first paragraph based on being unduly broad and as failing to comply with the enablement requirement discussed in MPEP 2164.08(a) and 2181. These claims constitute single means claims. See MPEP 2164.08(a).

Response to Arguments

3. Applicant's arguments with respect to claims 1 and 19 have been considered but are moot in view of the new ground(s) of rejection.

4. Note: The term "computer program element" as written in claim 40 is treated NOT to include any non-statutory term such as: signal, carrier wave, transmission, communication medium and the like.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-10, 13-16, 18-28, 31-34, 36-40 and 43-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suumaki et al. (US 6847610 B1), hereafter "Suumaki," in view of Jungck et al. (US 20060029104 A1), hereafter "Jungck."

Consider claim 1, Suumaki as modified by Jungck discloses an apparatus for session control in a wireless communication network, comprising: means for detecting requested application-specific packets in a packet stream (**see fig. 5, col. 8 lines 42-48, col. 11 lines 55-60**); and means for activating, in response to the means for detecting requested application-specific packets, a plurality of packet sessions with application-specific QoS parameters, without requiring explicit cooperation of application software (**see col. 7 lines 38-41, col. 11 lines 65-67, col. 12 lines 1-2, and 46-49 - the**

QMOC does the QoS parameters detection independently of any type of application).

Suumaki, however, does not particular refer to means for blocking- application-specific packets in the packet stream that are not the requested application-specific packets. Jungck, in the same field of endeavor, teaches means for blocking-application-specific packets in the packet stream that are not the requested application-specific packets (**see pars. 0175 lines 1-15, 0176 lines 6-16**).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Suumaki and have it include means for blocking- application-specific packets in the packet stream that are not the requested application-specific packets, as taught by Jungck. The motivation would have been in order to *enhance Internet infrastructure to more efficiently deliver content from providers to users and provide additional network throughput, reliability, security and fault tolerance* (**see par. 0006 lines 1-4**).

Consider claim 2, Suumaki as modified by Jungck discloses the invention of claim 1 above, Suumaki also teaches further comprising means for deactivating at least one of the plurality of packet sessions (see col. 14 lines 56-58).

Consider claim 3, Suumaki as modified by Jungck discloses the invention of claim 1 above, Suumaki also teaches wherein the wireless communication network comprises a UMTS radio access network (see col. 3 lines 31-35).

Consider claim 4, Suumaki as modified by Jungck discloses the invention of claim 1 above, Suumaki also teaches wherein the packet sessions comprise Packet Data Protocol (PDP) contexts (see col. 3 lines 41-46).

Consider claim 5, Suumaki as modified by Jungck discloses the invention of claim 1 above, Suumaki also teaches wherein the means for detecting comprises stateful inspection means, and the apparatus further comprises session manager means and packet filter means responsive to the stateful inspection means (see col. 8 lines 42-48 – packet are routed based in part to theirs respective connection).

Consider claim 6, Suumaki as modified by Jungck discloses the invention of claim 1 above, Suumaki also teaches wherein the means for detecting is arranged to inspect uplink packet flows to detect application-specific packet flows, via application-specific control messages (see col. 8 lines 55-61).

Consider claim 7, Suumaki as modified by Jungck discloses the invention of claim 1 above, Suumaki also teaches wherein the means for detecting is arranged to inspect downlink packet flows to detect application-specific packet flows, via application-specific control messages (see col. 10 lines 26-35).

Consider claim 8, Suumaki as modified by Jungck discloses the invention of claim 1 above, Suumaki also teaches wherein the packet sessions comprise conversational class PDP contexts (see tab. 1, col. 5 lines 5-7).

Consider claim 9, Suumaki as modified by Jungck discloses the invention of claim 8 above, Suumaki also teaches wherein the conversational class PDP contexts are arranged to carry Voice over IP (VoIP) traffic (see col. 3 lines 41-46, col. 12 lines 43-46).

Consider claim 10, Suumaki as modified by Jungck discloses the invention of claim 8 above, Suumaki also teaches wherein the conversational class PDP contexts are arranged to carry Video over IP traffic (see col. 3 lines 41-46, col. 12 lines 43-46).

Consider claim 13, Suumaki as modified by Jungck discloses the invention of claim 1 above, Suumaki also teaches wherein the packet sessions comprise streaming class PDP contexts (see col. 7 lines 13-19).

Consider claim 14, Suumaki as modified by Jungck discloses the invention of claim 13 above, Suumaki also teaches wherein the streaming class PDP contexts are arranged to carry streaming media traffic controlled by Real Time Streaming Protocol (see col. 7 lines 13-19).

Consider claim 15, Suumaki as modified by Jungck discloses the invention of claim 1 above, Suumaki also teaches wherein the packet sessions comprise interactive class PDP contexts (see tab. 1, col. 4 lines 65-67, col. 5 line 1).

Consider claim 16, Suumaki as modified by Jungck discloses the invention of claim 1 above, Suumaki also teaches wherein the packet sessions comprise background class PDP contexts (see tab. 1, col. 4 lines 65-67, col. 5 line 1).

Consider claim 18, Suumaki as modified by Jungck discloses the invention of claim 16 above, Suumaki also teaches wherein the background class PDP contexts are arranged to carry Simple Mail Transfer Protocol (SMTP) traffic (see fig. 3a, col. 7 lines 13-19).

Consider claims 19-28, 31-34 and 36, these are method claims corresponding to system claims 1-10, 13-15, and 18. Therefore, they have been analyzed and rejected based upon the system claims 1-10, 13-16, and 18 respectively.

Consider claim 37, Suumaki as modified by Jungck discloses the invention of claim 19 above, Suumaki also teaches wherein the method is performed in User equipment (UE) (see fig. col. 8 lines 55-64).

Consider claim 38, Suumaki as modified by Jungck discloses the invention of claim 1 above, Suumaki also teaches User equipment (UE) for use in a UTRA system, the user equipment comprising the apparatus of any one of claims 1-18 (see fig. 4a, col. 1 lines 65-67, col. 2 lines 1-6).

Consider claim 39, Suumaki as modified by Jungck discloses the invention of claim 19 above, Suumaki also teaches an integrated circuit comprising the apparatus of any one of claims 1-18 (see col. 7 lines 51-54).

Consider claim 40, this claim discusses the same subject matter as claim 19. Therefore, it has been analyzed and rejected based upon the rejection to claim 19.

Consider claims 43, 44 and 58, Suumaki as modified by Jungck discloses the invention of claims 2, 3 and 20 above, Suumaki also teaches wherein the packet sessions comprise Packet Data Protocol (PDP) contexts (see col. 3 lines 41-46).

Consider claims 45, 46 and 47, Suumaki as modified by Jungck discloses the invention of claims 2, 3 and 4 above, Suumaki also teaches wherein the means for detecting comprises stateful inspection means, and the apparatus further comprises session manager means and packet filter means responsive to the stateful inspection means (see col. 8 lines 42-48 – packet are routed based in part to theirs respective connection).

Consider claims 48 and 59, Suumaki as modified by Jungck discloses the invention of claims 5 and 23 above, Suumaki also teaches wherein the means for detecting is arranged to inspect uplink packet flows to detect application-specific packet flows, via application-specific control messages (see col. 8 lines 55-61).

Consider claims 49 and 60, Suumaki as modified by Jungck discloses the invention of claims 5 and 23 above, Suumaki also teaches wherein the means for detecting is arranged to inspect downlink packet flows to detect application-specific packet flows, via application-specific control messages (see col. 10 lines 26-35).

Consider claims 50, 51, 61 and 62, Suumaki as modified by Jungck discloses the invention of claims 2, 4, 20 and 22 above, Suumaki also teaches wherein the packet sessions comprise conversational class PDP contexts (see tab. 1, col. 5 lines 5-7).

Consider claims 52, 53, 63 and 64, Suumaki as modified by Jungck discloses the invention of claims 2, 4, 20 and 22 above, Suumaki also teaches wherein the packet sessions comprise streaming class PDP contexts (see col. 7 lines 13-19).

Consider claims 54, 55, 65 and 66, Suumaki as modified by Jungck discloses the invention of claims 2, 4, 20 and 22 above, Suumaki also teaches wherein the packet sessions comprise interactive class PDP contexts (see tab. 1, col. 4 lines 65-67, col. 5 line 1).

Consider claims 56, 57, 67 and 68, Suumaki as modified by Jungck discloses the invention of claims 2, 4, 20 and 22 above, Suumaki also teaches wherein the packet sessions comprise background class PDP contexts (see tab. 1, col. 4 lines 65-67, col. 5 line 1).

Consider claims 69-74, Suumaki as modified by Jungck discloses the invention of claims 21-25 above, Suumaki also teaches wherein the method is performed in User equipment (UE) (see fig 3b, col. 8 lines 55-64).

8. Claims 11 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suumaki et al. (US 6847610 B1), hereafter "Suumaki," in view of Jungck et al. (US 20060029104 A1), hereafter "Jungck," further in view of Dorenbosch et al. (US 20030235184 A1), hereafter "Dorenbosch."

Consider claim 11, Suumaki as modified by Jungck discloses claims 1 and 9 above, but does not particular refer to wherein the traffic is based on originated calls controlled by Session Initiation Protocol (SIP).

Dorenbosch, in analogous art, teaches wherein the traffic is based on originated calls controlled by Session Initiation Protocol (SIP) (see par. 0055 lines 7-11).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Suumaki as modified by Jungck and have

it include wherein the traffic is based on originated calls controlled by Session Initiation Protocol (SIP), as taught by Dorenbosch. The motivation would have been in order to provide a mean for connection setup and session control (see par. 0055 lines 7-11).

Consider claim 29, this is method claim corresponding to system claims 11. Therefore, it has been analyzed and rejected based upon the system claim 11 above.

9. Claims 12, 17, 30 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suumaki et al. (US 6847610 B1), hereafter "Suumaki," in view of Jungck et al. (US 20060029104 A1), hereafter "Jungck," further in view of Fenton et al. (US 20030193967 A1), hereafter "Fenton."

Consider claim 12, Suumaki as modified by Jungck discloses claims 1 and 9 above, but does not particular refer to wherein the traffic is based on originated calls controlled by H.323 protocol.

Fenton, in analogous art, teaches wherein the traffic is based on originated calls controlled by H.323 protocol (see par. 0049 lines 11-14).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Suumaki as modified by Jungck and have it include wherein the traffic is based on originated calls controlled by H.323 protocol, as taught by Fenton. The motivation would have been in order to provide access to information via an open standard protocol (see par. 0049 lines 11-14).

Consider claim 17, Suumaki discloses as modified by Jungck claims 1 and 16 above, but does not particular refer to wherein the background class PDP contexts are arranged to carry Post Office Protocol - Version 3 (POP3) traffic.

Fenton, in analogous art, teaches to wherein the background class PDP contexts are arranged to carry Post Office Protocol - Version 3 (POP3) traffic (see par. 0049 lines 11-14).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Suumaki as modified by Jungck and have it include wherein the background class PDP contexts are arranged to carry Post Office Protocol - Version 3 (POP3) traffic, as taught by Fenton. The motivation would have been in order to provide access to information via an open standard protocol (see par. 0049 lines 11-14).

Consider claims 30 and 35, these are method claims corresponding to system claims 12 and 17. Therefore, they have been analyzed and rejected based upon the system claims 12 and 17 respectively.

10. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suumaki et al. (US 6847610 B1), hereafter "Suumaki," in view of Jungck et al. (US 20060029104 A1), hereafter "Jungck," further in view of Boyle et al. (US 20050235349 A1), hereafter "Boyle."

Consider claims 41 and 42, Suumaki as modified by Jungck discloses claims 5 and 23 above, but does not particular refer to wherein detecting in a stateful inspector comprises inspecting packets, implying a state of an application-specific packet session via control packets and allowing packets for said session to flow through the firewall if said session originated from inside the firewall or otherwise, blocking said session otherwise.

Boyle, in the same field of endeavor, teaches wherein detecting in a stateful inspector comprises inspecting packets, implying a state of an application-specific packet session via control packets and allowing packets for said session to flow through the firewall if said session originated from inside the firewall or otherwise, blocking said session otherwise (see pars. 0009 lines 1-6, 0052 lines 1-3, 0059 lines 1-5).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Suumaki as modified by Jungck and have it include wherein detecting in a stateful inspector comprises inspecting packets, implying a state of an application-specific packet session via control packets and allowing packets for said session to flow through the firewall if said session originated from inside the firewall or otherwise, blocking said session otherwise, as taught by Boyle. The motivation would have been in order to prevent unsolicited network traffic from entering a private network (see par. 0009 lines 1-6).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marcos Batista, whose telephone number is (571) 270-5209. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Marcos Batista/
Examiner

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617

05/30/2009